UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/240
3 April 1996

ORIGINAL: ENGLISH

LETTER DATED 3 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of a decree issued on 31 January 1996 by the President of Georgia concerning border and customs control on the sector of the State border between the Russian Federation and Georgia within the territory of Abkhazia, Georgia, in the seaport of Sukhumi, port sites and the marine area (see annex I), as well as a statement on this subject issued by the Ministry of Foreign Affairs of Georgia on 25 March 1996 (see annex II).

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the Security Council.

(Signed) Peter ČHKHEIDZE
Permanent Representative

96-08195 (E) 040496 040196 050496

/...

ANNEX I

[Original: Russian]

Decree issued on 31 January 1996 by the President of Georgia concerning border and customs control on the sector of the State border between the Russian Federation and Georgia within the territory of Abkhazia, Georgia, and in the seaport of Sukhumi, port sites and the marine area

In the light of the conflict in Abkhazia, Georgia, and the serious criminal situation that has emerged in the Caucasus region in general - a situation aggravated by the infiltration into the territory of Abkhazia, Georgia, of mercenaries, arms, narcotics and contraband - which poses a threat to the State security of Georgia, its vital interests and its good-neighbourly relations with adjacent States, and also considering that it is impossible to guarantee the safety of transport facilities of foreign countries in the Abkhaz part of Georgia's territory, and with a view to implementing the decision adopted on 19 January 1996 by the Council of Heads of State of the Commonwealth of Independent States, entitled "On measures to settle the conflict in Abkhazia, Georgia":

1. The seaport of Sukhumi, port sites and the marine area and the sector of the State border between Georgia and the Russian Federation within the territory of Abkhazia, Georgia, shall be closed to all forms of international shipments, with the exception of consignments of humanitarian aid shipped in accordance with this Decree;

2. The import of consignments of humanitarian aid into the territory of Abkhazia shall be allowed only on the basis of single-entry permits issued by the competent authorities of Georgia, following a preliminary customs inspection by the Customs Department of Georgia;

3. A special working group of the Government of Georgia shall be instructed to inform applicants, through the diplomatic channel, of the decision to issue single-entry permits for the import of humanitarian goods into the territory of Abkhazia, Georgia;

4. The Ministry of Foreign Affairs of Georgia shall be instructed:

- to receive, through the diplomatic channel, applications for permission to import humanitarian goods into the territory of Abkhazia, Georgia;

- to inform the border troops of the Russian Federation through the Georgian embassy that permission has been granted for the entry of transport facilities conveying humanitarian goods into the territory of Abkhazia, Georgia;

- to inform the appropriate international organizations, including the Mutual Insurance Club, that the sector of the State border between

Georgia and the Russian Federation within the territory of Abkhazia, and the seaport of Sukhumi, port sites and the marine area are closed to international shipments;

5. The State Border Protection Department and the Customs Department of Georgia shall be instructed to inform immediately the appropriate agencies of Georgia of the results of the customs inspection of consignments of humanitarian goods being shipped to Abkhazia, Georgia;

6. The State Border Protection Department and the Customs Department of Georgia shall be instructed to develop a mechanism for implementing this Decree and, together with the appropriate services of the Russian Federation, hold talks on the joint implementation of border control;

7. The decision of 24 May 1995 of the Cabinet of Ministers of the Republic of Georgia on the seaport of Sukhumi and port sites in the territory of Abkhazia, Georgia, shall be considered null and void.

E. SHEVARDNADZE

Tbilisi

ANNEX II

[Original: Russian]

Statement issued on 25 March 1996 by the Ministry of Foreign Affairs of Georgia

In conformity with the decision adopted on 19 January 1996 by the Council of Heads of State of the Commonwealth of Independent States, entitled "On measures to settle the conflict in Abkhazia, Georgia", and in the light of the difficult situation in Abkhazia and the Caucasus region as a whole, and the recent exacerbation of the situation in the port of Sukhumi and port sites in the territory of Abkhazia, Georgia, which poses a threat to the State security of Georgia and its vital interests, and pursuant to Decree No. 140 issued on 31 January 1996 by the President of Georgia [see annex I], the seaport of Sukhumi and port sites of Abkhazia, Georgia, are closed to all forms of international shipments, with the exception of consignments of humanitarian aid.

Consignments of humanitarian aid may be imported into the territory of Abkhazia only if the supplier submits a prior request to the Government of Georgia in respect of each individual shipment, and on the basis of single-entry permits issued by the competent authorities of Georgia, following customs inspection in the port of Poti by agencies of the Customs Department of Georgia.

Georgia calls upon States sending their vessels to Georgian ports, and the relevant departments, organizations and private companies, to bear in mind the above circumstances and refrain from sending their vessels to the port of Sukhumi and port sites in Abkhazia, Georgia.

Tbilisi

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/241
3 April 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 3 APRIL 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour, on behalf of my Government, to write this letter in order to inform you that the Government of the Republic of Zaire read with astonishment, if not indignation, the contents of the final report of the International Commission of Inquiry established under Security Council resolution 1013 (1995).

The report (S/1996/195) levels serious accusations against my country and its Government without providing the slightest irrefutable proof!

By means of convoluted expressions and pernicious innuendoes, the report seeks to attribute to Zaire responsibility for an arms sale that allegedly took place in Seychelles.

Zaire wishes to remind the Council about the contents of paragraph 50 of the Commission's interim report (S/1996/67 and Corr.1), which reads as follows: "A particularly detailed allegation of involvement in the sale or supply of arms and ammunition to the former Rwandan government forces after the imposition of the embargo concerns Seychelles. Because of the precision with which the dates and other circumstances had been described, the International Commission was able to devote particular attention to this allegation".

In paragraph 51, the Commission further states that "The weapons were said to have been paid for with $300,000 in cash supplied by a senior Rwandan military officer accompanied by a citizen of South Africa ...".

Paragraph 52 of the same interim report contains a blatant falsehood where the Commission states that "The International Commission of Inquiry subsequently independently established that an Air Zaire DC-8 aircraft had left Kinshasa for Mombasa on 16 June 1994 and returned from Goma to Kinshasa on 20 June". In this paragraph, the Commission deliberately neglected to provide the Council with important information which the Zairian authorities had freely made available to it.

In its final report (paragraph 27), the Commission refers the Council to paragraph 26 of the interim report, knowing full well that paragraph 26 does not mention the meeting, let alone the spontaneous handing over to the Commission of "the flight plans of Air Zaire aircraft operating during the month of June 1994 and the Fiche journalière de mouvements aériens" by the President/Director-General of the Régie des voies aériennes.

Zaire is entitled to wonder for what purpose the Commission failed to disclose this important information in its interim report and then introduced it quite inappropriately in its final report!

The spontaneous provision of that information to the Commission by the Zairian official confirms, in effect, what Zaire has always emphatically maintained: "Zaire has nothing to hide in this matter".

In actual fact, this information from a Zairian source bothered certain persons who had vowed to prove that Zaire had not cooperated with the Commission, and above all the Commission distorted the equation which others had the task of demonstrating at any price: "that Zaire had violated the arms embargo"!

What else does the final report state?

After the initial reading, the Government of Zaire makes the following comments:

The contents of paragraph 50 of the interim report completely disappeared in order to make place for flippantly worded insinuations in an extremely serious matter.

The unequal treatment that Zaire had complained about continued throughout the inquiry.

In reply to a question from the Commission, the Minister for Foreign Affairs of Zaire had said that "The Government would like to be informed of who was behind this transport of arms and the circumstances of the traffic, so that it can conduct an inquiry" (see para. 24 of document S/1996/195).

After obtaining certain information from Seychelles after its meeting with the Zairian authorities, the Commission declined to communicate that information to Zaire, even though Zaire had formally requested such information from it, since there is no mention anywhere in the report of such communication, although countries that chose to ignore the step by the Commission continued to receive communications from the Commission or deal with it through their embassies in Kenya! Zaire's guilt had to be demonstrated at any cost. God alone knows how many of these States, which had a particular responsibility, respected resolution 418 (1977) by the same Council.

The Commission has exaggerated the importance of the Air Zaire DC-8 affair so much that it even forgot to verify important facts in its inquiry.

Did the Commission note and respond to the following observations based on its report:

(1) Colonel Bagosora and Mr. Ehlers arrived in Seychelles on 4 June 1994 (appendix VI).

Colonel Bagosora indicated on his immigration card that he had Rwandese nationality. He gave his passport number and its place of issue, Kigali; place of embarkation, Johannesburg; as well as the flight number, HM060. But which airline carried out the flight? The Commission does not say anything about this! Arrival date, 4 June 1994 and departure date 19 June 1996 on flight number AZR4032; again, of what airline? Does the Commission know that Air Zaire flights are identified by the initials QC and not AZR, as the report would seem to indicate? This information can be verified by the International Civil Aviation Organization.

(2) Did the Commission notice that the note "To whom it may concern" (appendix II) and the "Certificat de destination finale" (appendix III) have different dates and that one of the documents indicates the place where it was drawn up, while the other does not? Furthermore, although they come from the same Ministry, they are printed on paper with different letterheads.

There are, moreover, glaring contradictions in the letterhead of the certificate. The words "Cabinet du Vice-Premier Ministre chargé de ..." appear, and then a different designation, "Le Vice-Ministre", is given under the emblem of the Republic.

The aforementioned document chartering the aircraft is dated as having been signed by Colonel Bagosora on 16 June 1994 when he was already in the Seychelles, having entered the country on 4 June 1994.

(3) The munitions and TNT mentioned in the end-user certificate do not correspond to the items described in appendices IV and V of the report. Despite this fact, the items were handed over to Colonel Bagosora!

(4) Mr. Bagosora, although amply identified by means of his immigration card, claimed to have been acting on behalf of Zaire. The Government of Zaire would be glad for an opportunity to examine the document authorizing Mr. Bagosora to act in this capacity that was produced and handed over to the authorities of the Seychelles. Even in the two false documents (appendices IV and V) there is no mention anywhere either of Bagosora's name or even that of Ehlers!

Despite such obvious irregularities, arms were handed over to two international swindlers who were not challenged at any stage of their venture.

In the view of the Government of Zaire, the Commission's final report should have provided clear answers to the questions we have raised above, which are also those of most of the members of the Security Council. In its present form, the report simply raises questions without offering any answers.

In concluding, Zaire would like to stress another important aspect of the Seychelles affair and one that is downplayed in the final report.

In paragraph 13 of its resolution 918 (1994), the Council "Decides that all States shall prevent the sale or supply to Rwanda ...".

The term "sale" presupposes payment. In the case in question, paragraphs 35 and 36 of the Commission's report inform us that two banks located in a country that is a member of the Security Council, namely the Federal Reserve Bank of New York and Chase Manhattan Bank, New York, facilitated the Seychelles transaction by transferring the payments required.

The Commission reports to the Council that the originators of the payment transaction were "Union Bancaire Privée, Genève" in respect of the first sum and "one of our clients" in respect of the second. The Commission does not indicate what type or level of cooperation it received from the country in which the two banking institutions are located.

Zaire reminds the Commission that, in paragraph 1 (c) of its resolution 1013 (1995), the Council imposes on it the obligation "to identify parties aiding and abetting the illegal acquisition of arms by former Rwandan government forces ...".

On the basis of the foregoing, does the Council feel that it is sufficient to identify the originators of the payment transaction in the case in question? We should here like to stress that without the payment indicated in the report it is almost certain that the Seychelles affair would not have taken place.

The Government of the Republic of Zaire conveys its gratitude to the Council for making available to it, in paragraph 32 of the report, information that will enable it to conduct a follow-up inquiry, as indicated to the Commission by its Minister for Foreign Affairs.

Lastly, the Government of the Republic of Zaire:

(1) Once again denies, in the most categorical terms, having been involved in any attempt whatever to destabilize Rwanda through former members of the Rwandan Armed Forces (FAR), which should not be confused with the Zairian Armed Forces (FAZ);

(2) Deplores the fact that the Commission, in a report that it concludes with what is tantamount to an application for employment (see paragraph 91 (c)) and without adducing any tangible proof, should have gone beyond the scope of the mandate entrusted to it by the Security Council and should have allowed itself to make a biased presentation of the facts conveying the impression that Zaire was involved in supplying arms and related equipment and in providing military training with a view to destabilizing Rwanda;

(3) Confirms its explicit reservations with respect to the conclusions contained in the final report on the grounds that the Commission has failed to comply with the mandate assigned to it and that the procedures followed were of a discriminatory character.

While reserving the right to comment further on the two reports, I request you, Mr. President, to have the present letter circulated as a document of the Security Council.

(Signed) LUKABU KHABOUJI N'ZAJI
Deputy Permanent Representative
Chargé d'affaires a.i.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/242
4 April 1996

ORIGINAL: ENGLISH

LETTER DATED 4 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We feel it is important now to react to at least two key issues relating to Bosnia and Herzegovina before the Security Council takes up the matter, although we have not yet had the opportunity fully to absorb and respond to the report of the Secretary-General (S/1996/210) and to that of the High Representative, Carl Bildt (S/1996/190, annex).

Briefly, the Bosnian Government undertook all measures requested of it and more to ensure the security of the Serb population that lived in the previously Pale Serb-controlled suburbs of Sarajevo. We provided a general amnesty, worked closely with the International Police Task Force, and President Izetbegovic himself responded directly and quickly from his hospital, to the only potential problem after control was returned to our Government. President Izetbegovic's letter is attached as an annex to the present document.

I am afraid that the Secretary-General's report does not take these efforts into consideration, but importantly, underestimates the commitment of the Pale Serbs to make this matter into a purely ideological debate, and its commitment to drive out all Serbs, and to keep Bosniaks and Croats from returning to their homes in order to show that Serbs, Bosniaks and Croats cannot live together consistent with their ideology of ethnic separation. It is most telling that these Serb refugees are now being systematically resettled in strategic towns like Brcko and Srebrenica to make sure that their original inhabitants can never return and that the arbitration proceeding on Brcko is predetermined.

Frankly, we find the charges regarding the media to be religiously biased and insulting. It is true that during the Islamic holy month of Ramadan, the Bosnian Government television did schedule limited programming (usually lasting 10 to 15 minutes) at the time of the breaking of the fast with an Islamic theme. Similar steps were taken with respect to the other religious groups in Bosnia. Government television televised the celebration of both the Catholic and Orthodox Christian masses during the respective Christmas and New Year's celebrations of the respective faiths. In addition, the religious leaders of these societies also spoke of the meaning of these precious days and celebrations to their communities and to the country as a whole. I was

personally proud to see this diversity on our television during my presence in Sarajevo as Bosnia's Foreign Minister. On the other hand, I am not sure that the authors of the report had confused the distinction between non-religious and multi-religious society. I believe that the programming was completely in line with programming provided in other European and Western nations, with the only difference that some of the religious programming incorporated Islamic as well as Christian and Jewish spokesmen.

The Hague Tribunal I think will confirm that our Government has been cooperating fully, and especially in establishing the necessary protocol to determine if those accused of war crimes are being held in accordance with international standards. I personally worked out this arrangement envisioning a systematic protocol with Ambassador Richard Holbrooke and United States Assistant Secretary of State John Shattuck in Sarajevo in early February with the objective of, on the one hand, ensuring compliance with the demands of justice and, on the other hand, maximizing our contributions to freedom of movement. The objective was not and never could have been to deny either our sovereign prerogatives, or our rights under the Dayton/Paris agreement to bring war criminals to justice.

Finally, as you will recall, Security Council resolution 827 (1993) specifically calls upon national Governments, including our own, not only to cooperate with the war crimes Tribunal but envisions that suspected war criminals would be brought to justice within our national courts. The latest view of the High Representative would seem to deny this right and obligation of national courts to bring suspects to justice while, ironically, very little has been done to make sure that those, particularly Karadzic and Mladic, who were specifically to be handed over to the Tribunal under the Dayton/Paris agreement, in fact are handed over.

Let me take this opportunity also to express our condolences to the Government of the United States of America and the families of all of those who tragically lost their lives yesterday in a plane crash in the unselfish and visionary pursuit of helping Bosnia rebuild and maintain peace.

May I ask for your kind assistance in circulating the present letter and its annex as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

Annex

Letter dated 17 March 1996 from the President of the Presidency of the Republic of Bosnia and Herzegovina addressed to the Minister of Internal Affairs of the Federation of Bosnia and Herzegovina

With a feeling of bitterness I heard the news in recent days of acts by a group of citizens following our police force's entry into Ilidza. I know that in these reports there was exaggeration, but in them there was also, unfortunately, much truth and that is why I am writing to you.

Within the mass of people who, after four years, wished to see their homes again, were some whose intentions were neither humanitarian nor patriotic. In the large commotion, they saw a good chance to steal and that is what they did. It is not up to us to deny this, but to resist it.

The thoughts of some of our people that this was insignificant compared to the actions of the Pale Serbs are correct but not politically reconcilable. We want a united and democratic Bosnia. They want a divided and ethnically cleansed Bosnia. Our goals are, therefore, diametrically different to theirs, and therefore our ways and methods differ. There is no united and democratic Bosnia without a strict respect for law and human rights for all.

Serbs who after withstanding Pale's propaganda and threats still decided to stay in Sarajevo have earned our complete protection and must receive it.

Therefore, Mr. Minister, please undertake all within your power to prevent any kind of irresponsible and unlawful behaviour and see to it that those responsible be appropriately punished.

Do not allow a handful of thugs to cause this country to lose the reputation it so patiently built and cherished through the difficult days of war.

Alija IZETBEGOVIC

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/92
S/1996/243
4 April 1996
ENGLISH
ORIGINAL: ARABIC/ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 3 April 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning Israeli practices and repeated Israeli attacks in southern Lebanon and the western Bekaa, I have the honour to inform you of a series of Israeli attacks that occurred during the first half of March 1996:

4 March 1996

The southern hills of Mashgharah and the area outside Ayn al-Tinah came under Israeli artillery fire.

The outskirts of Tibnin, Ayta al-Jabal, Bra'shit, Shaqra, Majdal Silm, Qabrikha and Tulin came under Israeli artillery fire.

Israeli forces arrested Chief Inspector Hasan Ghusn of the Marj Uyun Police Department and took him to the Khiam detention centre.

6 March 1996

The southern quarter of Arabsalim was the target of sniping from the Israeli positions on Suwaida' Hill, resulting in the killing of Lebanese nationals Ali Muhammad As'ad Khattab, aged 28 years, and Ahmad Na'im Haydar, aged 59 years.

The villages of Kafra, Yatar, Haris and Tibnin came under Israeli artillery fire.

* A/51/50.

96-08270 (E) 080496 080496 090496

7 March 1996

At 0600 hours Israeli forces shelled the outskirts of Tibnin, Ayta al-Jabal, Haddatha, Bra'shit, Haris, Safad al-Battikh and Jumayjimah.

Israeli forces and Lahad forces shelled the outskirts of Mashgharah and Ayn al-Tinah.

At 1200 hours Israeli forces fired on fishing boats off the locality of Ma'liyah in Tyre.

At 2230 hours Israeli military aircraft overflew Mashgharah, Ayn al-Tinah and Maydun.

9 March 1996

The outskirts of Zawtar al-Sharqiyah, Zawtar al-Gharbiyah, Kafr Tibnit and Nabatiyah al-Fawqa and Nabatiyah came under Israeli artillery fire, which resulted in material damage to the church in Nabatiyah and to the home of Hasan Muhammad Harb, a 62-year-old Lebanese national.

10 March 1996

At 0600 hours the outskirts of Nabatiyah al-Fawqa, the abandoned barracks of the Lebanese army there and the outskirts of Kafr Tibnit, Zawtar al-Sharqiyah and Zawtar al-Gharbiyah came under Israeli artillery fire.

At 1100 hours Kafr Tibnit, Yatar, Haddatha, Haris, Ayta al-Jabal, Tibnin, Bra'shit and Shaqra came under Israeli artillery fire.

At 1430 hours the area around Ayn al-Tinah and the southern outskirts of Mashgharah came under artillery fire from Israeli positions and Lahad forces.

11 March 1996

At 0600 hours the outskirts of Bra'shit, Tibnin, Ayta al-Jabal, Haddatha and Haris came under Israeli artillery fire and Israeli helicopters combed the area. No casualties were reported.

The Israeli navy detained a fishing boat bearing the name Ilham I, No. 890. The following persons were on board: Mahmud Ahmad Al-Husayni, Wisam Abbas Tafla and Ashraf Hasan Nur al-Din.

At 1430 hours the outskirts of Jarju', Arabsalim and Ayn Bu Siwar, areas along the Zahrani river, the Mlita hills and Jabal Safi came under Israeli artillery fire.

12 March 1996

At 0840 hours the outskirts of Tibnin came under Israeli artillery fire.

13 March 1996

At 0545 hours Haddatha, Haris, Tibnin, Bra'shit, Kafra, Shaqra, Majdal Silm, Qabrikha and Tulin and the areas surrounding them came under Israeli artillery fire, with the result that two persons were wounded.

The eastern quarter of Kafr Rumman, residential quarters in Nabatiyah al-Fawqa and Nabatiyah al-Tahta and the southern quarter of Arabsalim came under Israeli artillery fire, resulting in injuries to Lebanese Army Private Khalid Uwayd, Fatima Nayif Ghandur, Batul Hasan Atawi, in Nabatiyah al-Fawqa, and Yusif Muhaydali, in Kafr Rumman, and damage to the model school and the teacher training college in Nabatiyah and to the homes of Sergeant Abd Al-Latif Al-Zayn, Jamila Ali Muzhir, Awatif Husayn Mudallaj, Mahmud Muhammad Abu Zayd, in Kafr Rumman, Yusif Muhammad Hammada and Muhammad Abd Allah Salama.

At 1140 hours Israeli military aircraft overflew the Tyre region.

At 1245 hours Israeli military aircraft overflew the Iqlim al-Tuffah region.

14 March 1996

At 1045 hours Tibnin and the outskirts of Bra'shit came under Israeli artillery fire.

At 1430 hours the Mlita hills, Jabal Safi and the outskirts of Jarju', Arabsalim and Ayn Bu Siwar came under Israeli artillery fire. This occurred again at 1530 hours on the same day, at which time it included Jabba', Ayn Bu Siwar, Ayn Qana, Kafr Fila and the surrounding areas.

At 1500 hours two Israeli helicopters overflew the Mashgharah and Ayn al-Tinah hills, which came under Israeli artillery fire.

15 March 1996

At 0530 hours the southern hills of Mashgharah and Ayn al-Tinah came under Israeli artillery fire.

At 1330 hours the outskirts of the village of Dayr Amis (Tyre) came under Israeli artillery fire.

At 2030 hours the artillery bombardment of the Mashgharah hills resumed.

The Lebanese Government strongly condemns these repeated Israeli attacks, which have brought death and injury to persons and caused enormous damage to property. It further condemns in the strongest terms the arbitrary practices against civilians.

In conjunction with the previous attacks, this new series constitutes flagrant aggression against the sovereignty and independence of Lebanon and represents a violation of international law and fundamental human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under item 33 of the provisional agenda, and of the Security Council.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/244
4 April 1996

ORIGINAL: ENGLISH

LETTER DATED 4 APRIL 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 3 April 1996, which I have received from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.

I would appreciate your bringing it to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-08312 (E) 040496 050496

/...

Annex

Letter dated 3 April 1996 from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to transmit to you the text of the Agreement on the Federation of Bosnia and Herzegovina concluded at Sarajevo on 30 March 1996 under my auspices.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Carl BILDT

Enclosure

Agreement on the Federation of Bosnia and Herzegovina, 30 March 1996

We, the undersigned, met in Sarajevo on 29 March 1996 at the invitation of the Principal Deputy High Representative Ambassador Michael Steiner to evaluate the present state of the Federation of Bosnia and Herzegovina and to decide upon concrete measures to implement the Federation.

What is needed now are concrete implementation steps. We welcome the establishment of Cantons numbers 8 and 10 on 26 March 1996, and of Cantons numbers 6 and 7 with a special regime on 28 March 1996. This is an important step forward. But more needs to be done. Therefore, we have decided the following:

Basic commitments

1. We reaffirm that all of the commitments undertaken at the meetings in Rome on 18 February and in Geneva on 18 March 1996, must be fully implemented.

2. We reiterate our commitment to freedom of movement throughout the territory of the Federation of Bosnia and Herzegovina, without any exception for all roads and means of transportation, and express our gratitude for efforts of the Implementation Force (IFOR), in cooperation with the United Nations International Police Force, to assist in ensuring this. In particular, we reiterate the importance of action by IFOR to eliminate all illegal internal customs, military and other check-points. This is especially important in connection with the elimination of internal customs check-points and the deployment of international monitors at the external borders on 1 April.

3. We have decided to recommend to the Federation Parliament to consider, at its next session, the annexed specimens as the future Federation flag and coat of arms.

4. We call upon IFOR, the Commission of the European Union, the World Bank and the International Monetary Fund (IMF) to continue their close cooperation in surveying the military, physical, and economic feasibility of opening additional commercial routes into Federation territory from various directions.

5. We agree that each specific obligation mentioned in this Agreement shall have to be carried out irrespectively of the implementation of other obligations mentioned in this Agreement. Linkages and conditionalities between the implementation of different obligations shall not be allowed.

Transfer of governmental structures

6. Prime Minister Muratovic and Prime Minister Kapetanovic will take immediate steps to ensure that the Federation Government has the facilities and resources necessary to fulfil the role envisaged for it under the Constitutions of Bosnia and Herzegovina and of the Federation. This will involve refinement and further reduction of role and staffing and other facilities of existing ministries of the Government of Bosnia and Herzegovina. Furthermore, the most responsible from the Croat community will take immediate steps to ensure the transfer of personnel and other resources from existing civilian authorities and organs in the areas of the Federation controlled by the HVO and the subsequent dissolution of these authorities and organs. The transfer of these resources to the Federation shall start immediately and shall be completed by 10 April.

In particular:

(a) In the area of finance, this will involve the transfer from the level of the Government of Bosnia and Herzegovina to the Federation level of all the staffing, office space and other facilities necessary for the policy and operational responsibilities of the Federation Ministry of Finance. The same applies to the transfer of personnel and resources from the finance administration in the areas of the Federation controlled by the HVO. The resources remaining at the level of the Government of Bosnia and Herzegovina will be only those corresponding to its limited functions;

(b) In the area of internal affairs, this will entail, as provided for by the Constitutions of Bosnia and Herzegovina and of the Federation, the full transfer to the authority of the Federation or, as appropriate, to Canton authority of personnel from institutions at the level of the Government of Bosnia and Herzegovina (including of the Agency for Investigation and Documentation, as far as areas of Federation competence are concerned), and from existing civilian authorities and their organs in the areas of the Federation controlled by the HVO;

(c) In the area of defense, the Federation Ministry shall become operational on the basis of a Federation Defense Law, without awaiting a Defense Law at the level of the Government of Bosnia and Herzegovina, which should be enacted after the national elections.

Furthermore, Federation Prime Minister Kapetanovic and his Deputy Bilandzija will ensure that the Federation Government, at its next session, consider and approve all outstanding Ministerial standard operating procedures in all the cases where there is a positive legal opinion of the Ministry of Justice and the Office for Legislation. The Prime Minister will instruct all those Ministries that have not yet submitted their draft regulations to submit them by 9 April. The respective Ministers and their Deputies shall bear responsibility for the timely submission of the draft regulations from their Ministries. Any of those responsible for steps identified in paragraph 6 may submit any matter related to these draft

regulations that has not been mutually agreed to the Federation arbiter for decision by 5 April.

Specific steps in the implementation of Federation institutions

7. Furthermore, we agree upon the following specific obligations:

(a) Federation Minister of Justice Tadic and his Deputy Hasic will submit the constitutional amendments necessary to harmonize the Federation Constitution with the Constitution of Bosnia and Herzegovina to the Federation Assembly at its next session;

(b) Federation Minister of Defence Soljic and his Deputy Cengic will submit the Basic Defense Law to the Federation Assembly at its next session;

(c) President Zubak and Vice President Ganic will ensure that the Federation partners, in accordance with the Geneva Statement of 18 March, submit their draft suggestions concerning the further elaboration of the organization of the city of Sarajevo to the Principal Deputy High Representative by 5 April, with the intention of resolving this question before the next meeting of the Federation Assembly;

(d) Federation Minister of Justice Tadic and his Deputy Hasic will submit the Law on Federal Units to the Federation Assembly for consideration at its next session;

(e) President Zubak and Vice President Ganic will ensure that Federation partners submit their draft suggestions concerning the adaptation of municipal boundaries to the inter-entity boundary line to the Principal Deputy High Representative by 1 May;

(f) Federation Minister of the Interior Hebib and his Deputy Leutar will provide the information and data on all current police structures and strength on the whole Federation territory as stipulated in article IV of annex 11 of the Peace Agreement to the United Nations International Police Force by 5 April. Furthermore, Federation Minister of the Interior Hebib and his Deputy Leutar will ensure that samples of the new dark grey uniforms for the police forces in Federation territory will be manufactured so that they can be presented to the public by 8 April;

(g) The elected Canton Governors and their Deputies in Cantons numbers 6, 7, 8 and 10 are responsible for ensuring the formation of the respective Canton Government by 9 April. They shall also be responsible for the subsequent establishing of functioning administrative and judicial structures;

(h) The constituting sessions of the Interim Municipal Assembly (IMA) and the election of officials shall take place in Stolac, Capljina, Vares and Bugojno by 9 April. The highest representative of the present Municipal authorities, together with the highest local representative of the two parties having received most votes at the elections of 1990 in the Municipalities of Bugojno, Vares, Stolac and Capljina shall be responsible for the successful convening of the IMA and the election of municipal officials;

(i) Federal Customs Director Bagaric and Deputy Director Bijedic will ensure that the joint customs system is functionally operational (by unifying the services, appointing the directors of customs houses and transferring all revenues to Federation accounts) by 1 April. The Ministers of Trade, Agriculture and Health and their Deputies will, in their fields of competence, ensure proper monitoring and control on all border crossings throughout the Federation, as specified in the conclusions of the Federation Government. The implementation of the system will be assisted by international observers, as soon as the Memorandum of Understanding with the European Union is signed. All other existing customs regulations shall be non-applicable by 1 April. Federation Finance Minister Bilandzija and his Deputy Curcic-Selimovic have the right to have two observers present at all times at each international customs border crossing point of the Federation observing the customs procedures exercised at those points. As far as police tasks at the international border crossings of the Federation are concerned, the Federation Law on Internal Affairs of 1 February 1996 will apply;

(j) Federation Tax Director Huseinbegovic and his Deputy Pandza will appoint senior staff by 31 March. The Federation Law on Tax Administration will be enacted and a Federation Tax Board established by 30 April;

(k) General Director of the Federal Office of the Federation Payments System Burnazovic and his Deputy Musa will make the unique payment system operational by 30 April. The payment system will, through the Federal Office for Payment Operation (ZAP), use the deutsche mark as the unit of account (other currencies already circulating in the Federation will continue to circulate through the channels of the commercial banks);

(l) Federation Minister of Finance Bilandzija and his Deputy Curcic-Selimovic will, with the advice and in cooperation with the World Bank and IMF, prepare a draft Federation budget for 1996 by 10 April. This will include the preparation of a draft budget law incorporating procedures and a control mechanism for the execution of the budget;

(m) Federation Minister of Finance Bilandzija and his Deputy Curcic-Selimovic will, in cooperation with the World Bank and IMF, prepare the basis and framework for the Canton budgets by 10 April;

(n) The Federation Finance Minister and his Deputy will submit to the Federation Government at its next session the draft law on the Federation Bank Agency monitoring the operation of banks, as well as the changes on the Federation Law on Banks, and the Federation Government will submit them to the Federal Assembly for consideration at its next session.

8. The laws called for in this agreement shall be submitted to the Federation Assembly convened for 11 April. The Assembly shall remain in session until all necessary legislative action required under this Agreement is completed.

Consequences of non-implementation

9. Cantons will not receive any financial resources from shared taxes and transfers until they have elected a Government and have established adequate operative structures. The same will hold for municipalities that have not properly formed their Interim Municipal Assembly and not elected their officials. This applies to resources from the international community as well as from the central and the Federal Government and from existing civilian authorities and organs in the areas of the Federation controlled by the HVO.

10. Assistance for reconstruction of housing beyond basic humanitarian requirements will not be channelled to communities that fail to permit the return of displaced people and refugees.

11. Recalling paragraph 8 of the Geneva Declaration, which stated that only those officials who are truly committed to the fundamental principles of the Federation and to the implementation of agreed measures should serve in public offices in Federation institutions. President Zubak and Vice President Ganic commit themselves, in cases where specific deadlines are not respected, to have removed from office all those who are mentioned in this Agreement as being responsible for the specific task and deadline.

12. In cases where the President, the Vice President and the Prime Minister agree, or the Assembly of the Federation decides that third persons bear responsibility for the non-implementation of a specific task and deadline, those third persons will be removed from office. In cases where the President, the Vice President and the Prime Minister agree, or the Federation Parliament decides that objective reasons prevented implementation of the deadline, the responsible persons will not be removed.

13. At the Federation Assembly session following the expiration of any one of the above-mentioned deadlines, the President, the Vice President and the

Prime Minister of the Federation will jointly report to the Federation Assembly on the concrete personnel changes and other decisions taken.

Signed at Sarajevo on 30 March 1996.

(Signed) Kresimir ZUBAK
President of the Federation
of Bosnia and Herzegovina

(Signed) Ejup GANIC
Vice President of the Federation
of Bosnia and Herzegovina

(Signed) Izudin KAPETANOVIC
Prime Minister of the Federation
of Bosnia and Herzegovina

(Signed) Drago BILANDZIJA
Federation Finance Minister and
Deputy Prime Minister of the
Federation of Bosnia and Herzegovina

(Signed) Hasan MURATOVIC
Prime Minister of
Bosnia and Herzegovina

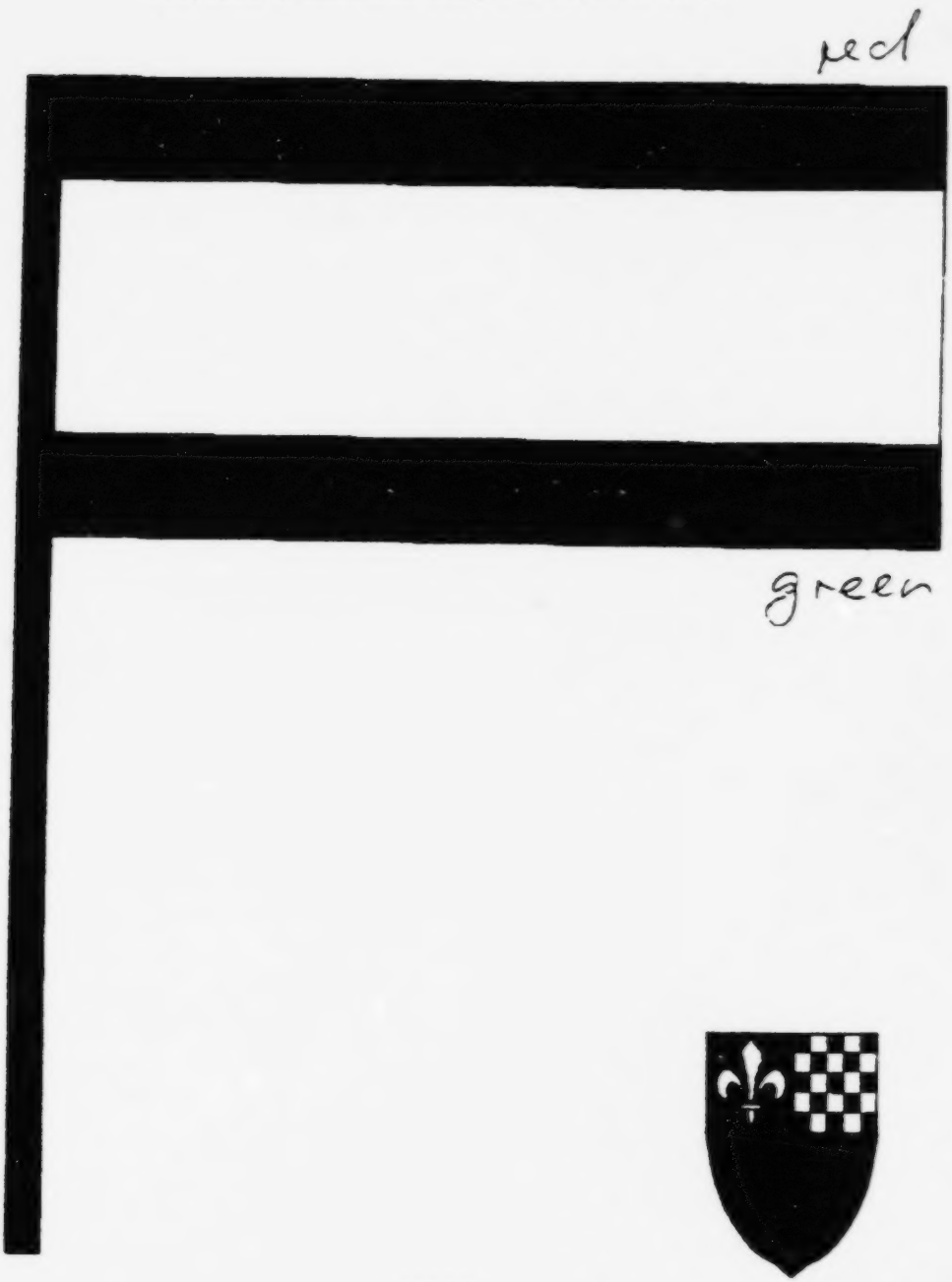
(Signed) Jadranko PRLIC
Foreign Minister of
Bosnia and Herzegovina

Witnessed by:

(Signed) Ambassador Michael STEINER
Principal Deputy High Representative

Appendix to the Sarajevo Agreement on the Federation of Bosnia and Herzegovina, 30 March 1996

Proposed Federation Flag and Coat of Arms



UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/245
4 April 1996

ORIGINAL: ENGLISH

LETTER DATED 4 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

My Government welcomes the adoption of the statement of the President of the Security Council on the item entitled "An agenda for peace: peace-keeping" (S/PRST/1996/13), which gives further consideration to arrangements for consultations and the exchange of information with troop-contributing countries to United Nations peace-keeping operations.

As effective response to peace-keeping efforts depends on the will and support of the Member States, we believe that the adoption of this statement will strengthen the process leading to improvements in providing and exchanging information between the Security Council and troop-contributing countries, which is necessary in all such efforts. Greater transparency by the Council will encourage Member States to participate in an active manner during all stages of peace-keeping operations.

My Government notes with satisfaction that paragraph (e) of the statement states that the "existing practice of inviting to these meetings Member States which make special contributions to peace-keeping operations other than troops - that is, contributions to trust funds, logistics and equipment - will continue". In this regard, considering that Croatia gives logistics and other equipment support to the peace-keeping operations in Croatia (United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), United Nations Mission of Observers in Prevlaka (UNMOP)) and the international missions in Bosnia and Herzegovina (United Nations Mission in Bosnia and Herzegovina (UNMIBH), Implementation Force (IFOR)), it is the opinion of my Government that Croatia should also have an opportunity to participate in troop-contributor meetings with the Security Council when the aforementioned operations are in question.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

96-08296 (E) 040496 050496